

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND,)
et al.,)
)
 Plaintiffs,)
)
v.) No. 06 C 3203
)
BILL LAKE BUICK, INC.,)
)
 Defendant.)

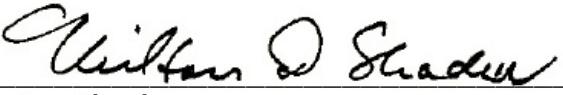
MEMORANDUM ORDER

Bill Lake Buick, Inc. ("Bill Lake") has filed its Answer and Affirmative Defenses ("ADs") to an ERISA Complaint that calls on it to make payment under the withdrawal liability provisions of the Multiemployer Pension Plan Amendments Act of 1980. This brief memorandum order is issued to require Bill Lake's counsel to correct two errors in that responsive pleading.

First, Answer ¶¶4 and 9 through 14 do not conform properly to the disclaimer provisions of the second sentence of Fed. R. Civ. P. ("Rule") 8(b)--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Second, both of Bill Lake's purported ADs are at odds with the concept that is embodied in Rule 8(c) and the caselaw applying that Rule--see App. ¶5 to State Farm.

Accordingly the above-identified paragraphs of the Answer itself are stricken, with leave being granted to file properly amended versions of those paragraphs (not a totally self-

contained Amended Answer) on or before September 29, 2006. And both ADs are also stricken--but without leave being granted to replead, for the assertions that they raise are amply preserved by Bill Lake's denial of the corresponding allegations of the Complaint.


Milton I. Shadur
Milton I. Shadur
Senior United States District Judge

Date: September 18, 2006